

REMARKS

Pending Claims:

In this application, claims 1-26 are currently pending. Claims 2-9, 11-13, and 15-24 have not be altered since filing. Claims 1, 10, and 14 are amended by this response. Claims 25-26 have been added. Entry of these amendments is respectfully requested.

Amendment to Specification:

The specification was modified to correct a grammatical error—plural subject with singular verb.

Claim Objections

Claim 14 was objected to because of the capitalization of the letter “A” in the second limitation of the claim. This has been corrected.

Claim Rejections – 35 USC § 102

Claim 1 was rejected as anticipated by Peinado et al. (U.S. Patent 6,775,655). The method of claim 1 stores multiple tracks of media in a “structured secured file” including a file header and “at least two separate track folders in the file,” with each track folder containing a “track header” having meta-data concerning the track and with “the media data defining the track stored in a secure format.” In contrast, Peinado teaches a content package containing a single “piece” of digital content (col. 6, lines 45-55; col. 7 lines 7-13). The only exception is that “multiple streams of temporally aligned digital content” may be “multiplexed” or “muxed” together in the content package (col. 8 lines 55-65; Figure 2).

The Applicant respectfully submits that this exception does not teach or suggest the limitations of claim 1. Peinado’s “multiple streams of temporally aligned digital content” form a single logical construct because they must be somehow observed (e.g., played) together in time synchronization. While Peinado offers no examples of temporally aligned streams, some obvious examples include (a) a video clip and its associated sound track; (b) separate red, green, and blue color tracks of a video, if kept separately; (c) two separate video streams intended to be presented through a device to a viewer’s left eye and right eye, respectively, to give the video an appearance of three

dimensions; (d) soundtracks intended for the left and right speakers of a stereo audio system. Note that every example of temporally aligned digital content is, in effect, a tightly coupled single logical construct.

Furthermore, the use of the term “multiplex” in Peinado has a specific meaning as to how the separate content streams of Peinado’s authoring tool 18 are physically blended together. According to J. Rosenberg’s “Business Dictionary of Computers” (1993), the term multiplex means “to interleave or simultaneously transmit two or more messages on a single channel.” Thus when Peinado teaches the multiplexing temporally related streams of data into a single output package (col. 8, lines 55-59), the only reasonable understanding is that the two streams are interleaved together to form a single construct within the file.

Unlike Peinado, which interleaves temporally aligned streams together into a single physical construct within a file, claim 1 requires that the multiple tracks of digital data be stored in separate track folders. The tracks of claim 1 will not, in general, consist of temporally aligned streams, and could, in fact, include any “media data” that could be experienced separately. Thus, rather than interleaving such media data into a single unit, as Peinado does, claim 1 requires that the data be kept separate track folders.

Finally, in addition to keeping tracks separated, claim 1 requires that the structured file be structured in a particular format: a file header and multiple track folders, with each track folder having both media data for a track and a track header containing meta-data for the track. Peinado does not disclose or teach the use of folders within its packages. Peinado does not teach the separation of tracks within a file by placing the tracks within separate track folders. And finally, Peinado does not disclose or teach the creation of track headers that are separated from other headers and associated with a particular track by being located within a track folder.

Claims 2--9 all depend from claim 1, and hence are allowable for the same reasons described above.

Claims 3-9 are also allowable because they require the encryption of the file header and the digital content with two separate encryption keys. As recognized by the Office Action, Peinado only teaches encryption of the content. Gruse et al. (U.S. Patent 6,389,538) is cited as teaching encryption of metadata. But Gruse teaches only the encryption of a subset of the metadata along with the digital content using a single encryption key: “The Content 113 and a subset of its metadata is encrypted with a

Symmetric Key by the SC Packer.” Gruse, col. 20, lines 32-33. While the office action is correct in noting that Gruse discusses that “[a]ccess to portions of this metadata can be secured and charged for if desired,” (Gruse, col. 20, lines 64-65), the method for securing the metadata is not related to encryption. Rather, such limited access is controlled and maintained by an “Electronic Digital Content Store,” that is able “to pull out any data from the Metadata SC(s) that they want to use to promote the Content 113 on their Web Site.” Gruse, col. 20, lines 61-64. Thus, control to metadata is maintained by “Stores,” which are separate entities or web sites that are granted full access to all of the metadata and content by being able to decrypt the entire file, and then can selectively charge for portions of such content to their users. See, Gruse, col. 12, line 56 to col. 13, line 30.

Combining Gruse with Peinado does not teach or suggest separate encryption of header and content within a single file using differing encryption keys. Peinado teaches the encryption of content, and Gruse teaches the encryption of some metadata with the content. Their combination simply teaches the combined encryption of metadata and content using a single encryption key. Gruse’s teaching of a web site controlling access to metadata after the web site is given full access to the file does not change this result. Even if Gruse suggests that it may be beneficial to restrict access to the preview information, but to a lesser degree than the main digital content, Gruse does not provide a teaching for the separate encryption of the preview information.

The requirement in claim 3 that separate keys be used for the encryption of the file header and the media data has several advantages over the cited prior art. For example, as the description states, only authorized players might provide preview capability to access information in the header for free; payment for a license would be required to obtain the second key from a license server. By encrypting the header, it is possible to restrict access to this preview information to authorized player software simply by providing the authorized players with the metadata key (claim 5). The disclosure of this metadata encryption key does not endanger the encoded content. Furthermore, the second key can be withheld from the user until a license is purchased (claim 6), thereby providing separately controllable access to the metadata and the content.

Claim 10 has been amended to distinguish it from the prior art. As amended, it comprises “a file header containing information relevant to the entire media file, at least

two tracks of temporally unaligned media data that are stored separate from one another in the media file; and one track header for each track, each track header containing information relevant only to one track.” Peinado teaches that the authoring tool produces a content package 12p from “a piece of digital content” (col. 6, lines 44-55, emphasis added). Peinado’s authoring tool converts “the input file having the digital content [and] transfer[s] the file from the input format to the output format” (col. 8, line 32, emphasis added) The only disclosure in Peinado of combining separate pieces of content into a single content package is that of “multiple streams of temporally aligned digital content ... where such streams are multiplexed (i.e., ‘muxed’).” (col. 8 lines 55-59). Our amendment has eliminated the possibility that all the tracks are temporally aligned and multiplexed.

Claims 11-20 all depend from claim 10 and are thus allowable.

Claim 12 (and claims 13-15, which depend on it) is also allowable because it uses the same kind of separate encryption of file header and media data already discussed regarding claim 3.

Claim 16 (and claims 18-20, which depend on it) is also allowable because it uses the same kind of separate encryption of file header and media data already discussed regarding claims 3 and 12.

Claim 21 (and claims 22-24, which depend on it) is allowable for the same reasons set forth above. Claim 21 defines a structure that is distinguishable from the prior art in that it organizes multiple tracks of music in a file into separate track folders, with each track a track folder containing the music data and a track header. This is not found in the cited prior art, as neither Peinado nor Gruse disclose separate tracks in separate folders. Also, as discussed previously in connection with claim 3, the separate encryption keys for file header and music is not obvious from the combination of Peinado and Gruse.

New Claims 25-26

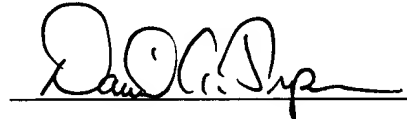
Claims 25-26 are new claims that are supported by the Specification as originally filed. Claim 25 is a new independent method claim to the basic scheme of separately encrypting the file header and the digital content. Claim 26 is also new, and claims the corresponding structure.

CONCLUSION

All of the claims remaining in this application should now be seen to be in condition for allowance. The prompt issuance of a notice to that effect is solicited.

Respectfully submitted,
J. RIVER, INC.
By its attorneys:

Date: 1 March 2005

A handwritten signature in black ink, appearing to read "Dan A. Tysver", written over a horizontal line.

Daniel A. Tysver
Registration No. 35,726
Beck & Tysver, P.L.L.C.
2900 Thomas Ave., #100
Minneapolis, MN 55416
Telephone: (612) 915-9634
Fax: (612) 915-9637